

(Draft – Awaiting Formal Approval)
MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE
Wednesday, June 8, 2016 – 2:00 p.m. – Room 445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. J. Stuart Adams
Sen. Jim Dabakis
Sen. Gene Davis
Sen. Mark B. Madsen
Rep. LaVar Christensen
Rep. Mark A. Wheatley

Rep. Carol Spackman Moss

Members Absent:

Rep. R. Curt Webb

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Christine R. Gilbert, Associate General Counsel
Ms. Lori Rammell, Legislative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 4:12 p.m.

MOTION: Rep. Oda moved to approve the minutes of the May 10, 2016, meeting. The motion passed unanimously.

2. H.B. 258, Solid Waste Amendments, 2016 General Session

Rep. Oda provided background on 2016 General Session H.B. 258, "Solid Waste Amendments," which was distributed in the mailing packet. Rep. Oda briefed the committee about the reason Governor Gary Herbert vetoed the legislation.

Ms. Candace Daly, representing the Institute of Scrap Recycling Industries in Utah, explained that H.B. 258 clarified the definitions of "recycling" and "solid waste." Ms. Daly distributed copies of a letter from the Institute of Scrap Recycling Industries, Inc., to Governor Herbert, refuting the allegations of the Environmental Protection Agency's letters. At the request of the committee, she also distributed copies of a letter from the United States Environmental Protection Agency (EPA), to the Utah Department of Environmental Quality. Ms. Daly responded to questions from the committee regarding the EPA's new 2015 guidelines.

Mr. Alan Matheson, Executive Director, Department of Environmental Quality, discussed the Department of Environmental Quality's objections to the language of HB 258. The bill, he explained, proposed changing the definitions of "recycling" and "solid waste" in the Department of Environmental Quality's rules. He said the department's rules must be consistent with federal rules, and the letters the department received from the EPA stated that the language of HB 258 was less stringent than federal rules. He stated that this discussion, distinguishing recycling from solid waste, is going on all over the country, and Utah can show leadership by addressing this issue and coming to a consensus among the interested parties.

Committee discussion followed concerning the position of the EPA, the implications of the legislation, the importance of the recycling industry (as distinguished from scam operators), and ways the state and federal government can work together to come to a consensus.

Rep. Oda explained the complicated process of properly disposing of solid waste in a landfill or incinerator. He stated that part of the issue with HB 258 concerns the EPA's 2015 change of the definition of "solid waste," but he added that the governor has committed to working with legislators and stakeholders to pass acceptable legislation before the 2017 General Session, perhaps in a special session of the Legislature.

3. Committee Responsibilities and Reading Assignments

Mr. Hunsaker reviewed the committee's responsibilities and the current reading assignments for committee members. He referenced "Statutory Duties of Administrative Rules Review Committee" and "Administrative Rules Review Committee Assigned Study Areas," which were distributed in the mailing packet. He accepted feedback from committee members, including a request from Rep. Moss to be assigned to the education area. Mr. Hunsaker committed to sending to the committee members, within the next two weeks, a list of assignments and a request for the members' particular areas of interest.

At Chair Stephenson's request, Mr. Hunsaker provided an update of current staff within the Office of Administrative Rules.

The committee discussed rulemaking authority given to agencies in statute and the sometimes broad language that does not specify the limits of the authority granted. Chair Stephenson asked staff to search the Utah Code for such broad grants of rulemaking authority.

Rep. Oda suggested the proposed rules be sent to legislators who serve on committees related to the rules as well as the sponsors of the bills that initiated the rulemaking. Ms. Gilbert stated that she and Ms. Fredman had done this in the past, and, with this feedback, would resume doing so.

4. Committee Business

The next meeting was tentatively scheduled for July 11, 2016, at 9 a.m.

5. Adjournment

MOTION: Sen. Dabakis moved to adjourn the meeting. The motion passed unanimously. Sen. Davis and Sen. Madsen were absent for the vote.

Chair Stephenson adjourned the meeting at 4:07 p.m.